IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15089 of 2005

Between:

M.Laxminarayana, s/o Narayana,
r/o 104, Indusagar Apartments, New Mirzalaguda, Malkajgiri, Hyderabad.

..... PETITIONER

AND

1 The District Collector,

Ranga Reddy District,

Hyderabad.
2 The Mandal Revenue Officer,

Malkajgiri Mandal,

Ranga Reddy District.
3 The IndusNagar Apartments Residential Welfare Association,

rep., by its Secretary, A.N.Damodar, Indus Nagar Apartments,

New Mirzalaguda, Malakajgiri, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents 1 and 2 in not considering and acting upon the representation dated 10-05-05 and 29-06-05 made by the petitioner as illegal and contrary to the provisions of the A.P.Water Land and Trees Act, 2002 and consequently direct the respondents 1 and 2 to act in accordance with the provisions of the A.P.Water Land and Trees Act 2002.

Counsel for the Petitioner: Mr. I.NAVEEN KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

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ORDER:

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This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the action of the official respondents, in not considering the representations dated
10-05-2005 and 29-06-2005 made by the petitioner, as illegal and arbitrary.

2. The writ petitioner owned a flat in the 3rd respondent apartments and he has been in possession and enjoyment of the same. It is stated that the 3rd respondent, who is the Secretary of the said apartments, without following due process of law, dug a bore well. In view of the same, the writ petitioner submitted a representation, dated 10-05-2005, to the 2nd respondent-Mandal Revenue Officer. As no action was initiated in this matter, the writ petitioner submitted another representation, dated 29-06-2005, to the 1st respondent-District Collector. It is also stated that the 3rd respondent having bore grudge against the writ petitioner, disconnected the water supply to his flat, bearing No.104. It is the case of the writ petitioner that disconnecting water supply to his flat and digging a new bore well by the 3rd respondent, without obtaining necessary permission as per A.P. Water, Land and Trees Act, 2002, is illegal and arbitrary.

3. Heard both sides.

4. The grievance of the writ petitioner is that even though he made representations to the official respondents bringing to their notice about the unauthorized digging of the bore well, the said official respondents did not pursue the matter and dispose of the said representations.

5. Therefore, I am of the view that the interest of justice would be met if the official respondents are directed to consider the representations, dated 10-05-2005 and 29-06-2005, made by the writ petitioner and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of the order.

6. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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(DHARMA RAO ELIPE,J)

18th July, 2005

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To

1 The District Collector,

Ranga Reddy District,

Hyderabad.

2 The Mandal Revenue Officer,

Malkajgiri Mandal,

Ranga Reddy District**.**

3 Two CCs to the GP for Revenue, High Court of A.P.,

Hyderabad (O.U.T.)

4 Two CD copies.